

25 August 2003
Application No.: 09/648,413
Docket: 1002.02

b.) Remarks

Claims 1-34 are pending in this application. New claims 23 through 34 have been added to alternatively define the invention.

Claims 1-4, 5, 7, 8, 10-13, 15, and 19 were rejected under 35 U.S.C. § 103 as being unpatentable over the Alavie, *et al.* patent (Alavie patent), in view of the Naganuma patent. In related rejections, claims 6 and 14 were rejected in further view of the Obhi, *et al.* patent; claims 9, 16, 21, and 22 were rejected in further view of the Risk, *et al.* patent; claims 17 and 18 were rejected in further view of the Hirabayashi patent; and claim 20 was rejected in further view of the Abeles patent. These rejections are respectfully traversed for the following reasons.

The present invention is directed to an integrated optical monitoring system. It is notable in that an optical bench is installed within a package. A tunable filter and detector are further installed on this same bench.

In a somewhat similar vein, claim 10 is directed to a method for constructing an integrated optical monitoring system. The optical bench is installed within the package. A tunable filter and a detector are installed together on the bench.

The co-location of the tunable filter and detector on the bench distinguishes the present claimed invention from the prior art.

In the past, tunable filters have been installed in double pigtailed hermetic modules. An input fiber enters through one feedthrough to couple the optical signal to the tunable filter, and then a second fiber carries the signal that is transmitted through the tunable filter out of the module to a detector, which is typically located in another module.

None of the applied references shows or suggests the integration of the tunable filter with a detector in a single package on an optical bench. None of the references shows or suggests how such integration could be achieved or whether it would be desirable.

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The pending Office Action does not point to this feature in the applied references. The Office Action states that the "package" is inherent, yet inherency is a characteristic of §102 or anticipation, since it can not be obvious to include a feature from a reference, which the reference admittedly does not disclose.

The Naganuma patent is cited for disclosing the filter and detector. The claimed invention is directed to a tunable filter, however. The Naganuma patent uses fixed filters, which are generally inappropriate for spectral monitoring.

In summary, while the applied references disclose some of the claimed features, none motivate one skilled in the art to create the claimed integrated monitoring system, including the integrated detector and tunable filter.

For this reasons, Applicants believe that the rejection should be withdrawn.

New claim 23 is directed a spectral monitoring system including a tunable filter and SLED. This is not shown by the references.

Applicants believe that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,
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